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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/930,422

08/15/2001

Peter Ar-Fu Lam

BPCODE2

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03/21/2007

EXAMINER

FISCHETTI, JOSEPH A

ART UNIT

PAPER NUMBER

3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/930,422

Applicant(s)

LAM, PETER AR-FU

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Provisional Applications

Applicant is asked to explain why the provisional applications cited in this application in paragraph 1 do not list him as an inventor.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spackova et al. Runton et al. US 6865430 B1

Spackova discloses a method of processing a body profile (BP) code describing the physical dimensions of a human body to facilitate garment shopping, said method comprising the steps of: Spackova et al (1) defines m different physical dimensional parameters of said human body (the dimensional parameters are read as indicia segments 72; (2) measuring each of said m defined parameters a physical dimension of said body to produce m values (the computer determines the difference between the viewed triangle and the base point of the base point equilateral triangle"(read as measuring because the difference is the physical dimension of the body being determined); and (3) processing said m values to produce a multiple digits BP code for representing said m values (the computer encodes for about 5-6 bits data related to the reference indicia (col. lines 57 et seq.). The feature of compressed code is an old

expedient in the art, official notice is hereby taken of the use of compression data. See, Runton et al. for old use of compression/decompression of data and to use this would be motivated by reduced bandwidth etc. usage.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones- "Format for Human Body Modelling" and Runton et al. US 6865430 B1.

Jones discloses a method of processing a body profile (BP) code describing the physical dimensions of a human body to facilitate garment shopping, said method comprising the steps of: (1) defines m different physical dimensional parameters of said human body (see P_{ij}); (2) measuring each of said m defined parameters a physical dimension of said body to produce m values (data points of a body are given p. 5/7); and (3) processing said m values to produce a multiple digits BP code for representing said m values (points P_{sub i,j} are interpolated). The feature of compressed code is an old expedient in the art, official notice is hereby taken of the use of compression data. See, Runton et al. for old use of compression/decompression of data and to use this would be motivated by reduced bandwidth etc. usage.

Claims 40, 1, 6-18, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spackova et al. in view of Powell. Spackova discloses as set forth above the invention substantially as claimed e.g. coding the data which is appurtenant to the dimension landmarks of the body being measured, but does not disclose a primary compressed n_1 digits code and a supplemental n_2 digits code for representing said m values and

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wherein said n_2 digits code further comprises a n_3 digits code for defining the nature or relationship of said n_1 and/or n_2 digits code. However, Powell does disclose the use of compressed (in packets) n_1 and n_2 independent digits to segregate data and further discloses cross correlation of the network addressing code col. 9, lines 13 et seq. to define the nature or relationship between data bit packets. It would be obvious to modify the codes data of Spackova to include the n_1 and n_2 digit code feature of Powell and to compress same into packets as also taught by Powell and further to use one set to modify the other as taught by Powell's cross correlation feature, the motivation being the efficient movement of small items of data through the system without need of cumbersome definitions.

Re claims: 6-12, 15-18, 49, the application of what the n_1 and n_2 data strings do is a function of design and is not a patentable feature e.g., size chart for fitting purpose, enhance resolution, physical dimensional parameter, non-dimensional related information related to said human-body, out of range information of a parameter, quantization linearity of at least one of said parameters, an offset value to be processed with a size chart, the geographical origin of said BP code, and a decoding process.

Regarding claim 13 and 14, the recitation of n_3 digits is deemed to be a mere repetition of parts answered by Powell's disclosure of n_1 and n_3 digits.

Re claim 49: if the length of a data string is too long it would be obvious to carry it over to the n_2 digits and the recitation of for recommending a size indicated by said size chart is deemed a mere application of the data which is not deemed patentable.

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RE claim 1: Spackova et al disclose col. 4 lines 22-25 the computer retrieving graphical or chart data for a selected article design and because the article size is imaged the value for n is read as infinite, the recommended graphic description is fit to the body.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number 571 272 6780.

A handwritten signature in black ink, appearing to read "Joseph A. Fischetti", with a stylized flourish at the end.

Joseph A. Fischetti
Primary Examiner
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